



English for Speakers of Other Languages (ESOL)

What is English for Speakers of Other Languages?

English for Speakers of Other Languages is an educational approach in which English language learners (ELLs)¹ are instructed in the use of the English language. Their instruction is based upon a special curriculum that typically involves little or no use of the native language and focuses on language (as opposed to content). ESOL instructional strategies are also used to teach any subject in English to ELLs who have limited English proficiency in speaking, reading, writing or listening in English.²

A student is classified as an ELL if the student has been assessed for English language proficiency and qualifies as a non English speaker or limited English speaker on a Florida Department of Education (DOE) approved ESOL placement test.³ During the 2009-10 academic year, there were 2,634,382 Prekindergarten through grade 12 students enrolled in Florida's public schools.⁴ Of that number, 228,749 or 8.7 percent of the students were ELLs and 75.6 percent of the ELL students were Hispanic children.⁵

Does the No Child Left Behind Act address English proficiency?

Yes. The No Child Left Behind Act (NCLB)⁶ includes the English Language Acquisition, Language Enhancement, and Academic Achievement Act,⁷ which establishes the English Language Acquisition State Grants program to assist states in improving the education of ELLs and assistance for immigrant children and youth, by helping them to achieve at high levels in all core academic subjects so that they are able to meet the same challenging state academic content

¹ "English language learner" (ELL) means "Limited English proficient" (LEP) student. Rule 6A-6.0901(1), F.A.C. "Limited English Proficiency" is used by the U.S. Department of Education to refer to ELLs who lack sufficient mastery of English to meet standards and excel in an English-language classroom. Increasingly, ELL is used to describe this population because it highlights learning, rather than suggesting that non-native-English-speaking students are deficient." National Council of Teachers of English, *English Language Learners: A Policy Research Brief*, at 2 (2008), available at <http://www.ncte.org/library/NCTEFiles/Resources/PolicyResearch/ELLResearchBrief.pdf>.

² See rule 6A-6.0904, F.A.C. and s. 1003.56, F.S.

³ Section 1003.56(2)(a), F.S.

⁴ Florida Department of Education, Education Information and Accountability Services Data Report, *English Language Learners*, at 4 (July 2010), available at <http://www.fldoe.org/eias/eiaspubs/pdf/ell0910.pdf>.

⁵ *Id.* at 3 and 4.

⁶ The *No Child Left Behind Act of 2001 (NCLB)* reauthorized and substantially revised the Elementary and Secondary Education Act (ESEA). Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002). While NCLB's education accountability provisions are aimed at improving the achievement of all public school students, the law places particular emphasis on improving the achievement of economically disadvantaged students, students who represent major racial and ethnic groups, students with disabilities, and English language learners. 20 U.S.C. s. 6311(b)(2)(C)(v); see also U.S. Department of Education, *No Child Left Behind: A Desktop Reference 2002*, at 92 (Sept. 2002), available at <http://www.ed.gov/admins/lead/account/nclbreferenc/reference.pdf>; see also No Child Left Behind (NCLB) Act Fact Sheet.

⁷ 20 U.S.C. ss. 6811 and 6812.

and student academic achievement standards as all children are expected to meet.⁸ The program also assists states and school districts in developing and enhancing their capacity to provide high-quality instructional programs designed to prepare ELLs, including immigrant children and youth, to enter all English-instruction settings.⁹ Funds are distributed to states based on a formula that takes into account the number of ELLs and immigrant students in each state.¹⁰

Each state seeking a grant must submit a plan¹¹ to the U.S. Department of Education (USDOE) which describes the state's process for awarding subgrants to school districts; how the state will establish standards and objectives for raising the level of English proficiency which are aligned with state standards; and how the state will hold districts and schools accountable for meeting all of the state's annual measurable objectives and making Adequate Yearly Progress (AYP)¹² for ELLs.¹³ School districts must use funds from the subgrants in order to provide:

High-quality language instruction programs based on scientifically based research that has demonstrated the effectiveness of the programs in increasing English proficiency and student achievement; and

High-quality professional development for classroom teachers, principals, administrators, and other school or community-based organizational personnel in order to improve the instruction and assessment of ELLs.¹⁴

School districts may use these funds for additional English proficiency activities, including:

- ❖ Improving the instruction program for ELLs by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
- ❖ Providing tutorials and academic or vocational education for ELLs and intensified instruction.
- ❖ Providing community participation programs, family literacy services, and parent outreach and training activities to ELLs and their families.¹⁵ What procedures must school districts implement to assist English language learners (ELLs)?

⁸ 20 U.S.C. s. 6812(2). For FY 2009, 57 grant awards were made under the Language Acquisition State Grants Program. These funds were provided to all 50 states, the District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Northern Mariana Islands, with a set-aside for Indian Reservations. The total amount awarded was \$750,000,000 million; Florida received \$43,560,011. Fiscal Year 2009-FY 2011, President's Budget State Tables for the U.S. Department of Education, <http://www2.ed.gov/print/about/overview/budget/statetables/index.html> (last visited Sept. 17, 2010).

⁹ 20 U.S.C. s. 6812(4).

¹⁰ U.S. Department of Education, *Guide to U.S. Department of Education Programs 2009*, at 63-64 (Aug. 2009), available at <http://www.ed.gov/programs/gtep/gtep.pdf>; 20 U.S.C. ss. 6821-6871.

¹¹ 20 U.S.C. s. 6823.

¹² "Adequate yearly progress" is the measure used by individual states to determine student progress toward achievement of academic standards in reading/language arts, mathematics, and science. U.S. Department of Education, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, National Clearinghouse for English Language Acquisition, *Title III Accountability*, <http://www.ncela.gwu.edu/accountability/> (last visited Sept. 2, 2010); see also 20 U.S.C. s. 6311(b)(2)(A)-(C).

¹³ 20 U.S.C. s. 6823(b).

¹⁴ 20 U.S.C. s. 6825(c).

¹⁵ 20 U.S.C. s. 6825(d).

A district school board must:

- ❖ Develop and submit a district plan for providing English language instruction to DOE for review and approval.
- ❖ Identify ELLs through assessment.
- ❖ Provide for student exit from and reclassification into the English instruction program.
- ❖ Provide ELLs with ESOL instruction in English (to develop sufficient skills in listening, speaking, reading, and writing which enable the student to become proficient in English).
- ❖ Provide ELLs with ESOL instruction or home language instruction in reading, mathematics, science, social studies, and computer literacy.
- ❖ Maintain a student plan for each ELL.
- ❖ Provide qualified teachers.
- ❖ Provide equal access to other programs for eligible ELLs based on need.
- ❖ Provide for parental involvement in ESOL programs.¹⁶

Is ESOL the same as bilingual education?

No. Bilingual education refers to approaches in the classroom that use the native language of ELLs for instruction. Depending upon the bilingual program model used, classrooms may be composed entirely of ELLs or they may include native English speakers who are learning Spanish, Chinese, or another language.¹⁷ State law requires school districts to teach ELLs reading, mathematics, science, social studies, and computer literacy in the student's home language, and teach English using the English language as the medium of instruction.¹⁸

How do ELLs enter and exit an ESOL program

Home Language Survey. Upon initial enrollment in a public school, each student is surveyed by the school district. Three questions are asked:

- ❖ Is a language other than English used in the home?
- ❖ Did the student have a first language other than English?
- ❖ Does the student most frequently speak a language other than English?¹⁹

A student who answers “yes” to any one of the three questions is referred for further language assessment.²⁰ If a student answers that he or she had a first language other than English, that he

¹⁶ Section 1003.56 (3)(a)-(h), F.S.

¹⁷ National Association for Bilingual Education, *What is Bilingual Education?*, <http://www.nabe.org/bilingualed.html> (last visited Sept. 1, 2010).

¹⁸ Section 1003.56(3)(d), F.S.; rule 6A-6.0901(7), F.A.C.

¹⁹ Rule 6A-6.0902(1), F.A.C.

²⁰ Rule 6A-6.0902(2)(a), F.A.C. On August 3, 2010, the U.S. Department of Justice, Office of Civil Rights (OCR), notified the Superintendent of the Arizona Department of Education (AZDE) that the state's use of one question (What is the primary language of the student?) supplemented by a teacher referral process fails to identify many ELL students and unnecessarily delays the identification of other ELL students who could have been identified in a timely way had more questions been asked about their language backgrounds and had the school districts been able to use available information to refer students for testing. If the AZDE does not comply with the resolution agreement developed by the OCR, then the OCR may begin enforcement actions. Letter from U.S. Department of Justice, Civil Rights Division, and the U.S. Department of Education, Office for Civil Rights, to Superintendent of

or she most frequently speaks a language other than English, or answers “yes” to both questions, the student is placed in an ESOL program pending assessment.²¹ If a student only answers “yes” to whether a language other than English is used in the home, then the student does not need to be placed in the ESOL program pending assessment. However, these students must be given the aural and oral or listening and speaking assessment. If the student is in kindergarten through grade 12, then the reading and writing assessment must also be completed.²²

Entry Assessments for Determining Eligibility. Each student who responded “yes” to any question on the home language survey must be assessed to determine if the student is limited English proficient. Any student identified by the home language survey must be classified as an ELL and receive appropriate instruction and funding if the student also meets one of the following standards:²³

- ❖ *Any student in kindergarten through grade 12 who scores within the limited English proficient range on a DOE approved aural and oral language proficiency test or scores below the English proficient level on a DOE approved assessment in listening and speaking. Testing should be completed as soon as possible after the student’s initial enrollment, but not later than 20 school days after the student’s enrollment.*²⁴
- ❖ *Any student in grade three or above who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests of a nationally norm referenced test or scores below the English proficient level on a DOE approved assessment in reading and writing. The assessment in reading and writing must be completed within one year after the student’s enrollment.*²⁵
- ❖ *In addition, any student in grades three through 12 who scores English proficient on the hearing and speaking assessment but whose reading and writing assessment has not been completed within 20 school days must be referred to an ELL Committee²⁶ for a placement determination.*

The ELL Committee must be convened within 20 school days after the aural and oral assessment or listening and speaking assessment to determine whether the student should be placed in the ESOL program pending the reading and writing assessment. The ELL Committee must make a written determination that in its opinion the student’s reading and writing skills exceed the skills equivalent to the 32nd percentile on both the reading and writing subparts of a nationally norm referenced test. No ELL Committee meeting is required if the student is enrolled in the ESOL program pending the reading and writing assessment.²⁷

Public Instruction, Arizona Department of Education, Aug. 27, 2010, available at <http://www.edweek.org/media/azella.pdf>.

²¹ Rule 6A-6.0902(1), F.A.C. (flush-left provisions at the end of the subsection).

²² *Id.*

²³ Rule 6A-6.0902(2)(a), F.A.C.

²⁴ Rule 6A-6.0902(2)(a)1., F.A.C.

²⁵ Rule 6A-6.0902(2)(a)2., F.A.C.

²⁶ An “ELL Committee” (or “LEP Committee”) is a group composed of ESOL teachers and home language teachers, an administrator or designee, and guidance counselors, social workers, school psychologists, or other educators, as appropriate. Rule 6A-6.0901(5), F.A.C.

²⁷ Rule 6A-6.0902(2)(a)3., F.A.C.

Any student who is determined not to be an ELL or any student determined to be an ELL based solely on one reading or writing assessment may be referred to an ELL Committee to determine eligibility for appropriate services pursuant to a parent's or a teacher's request.²⁸

Florida uses the Comprehensive English Language Learner Assessment (CELLA) as a tool to measure the progress of ELLs English proficiency in listening, speaking, reading, and writing.²⁹ The CELLA is designed to provide:

- ❖ Evidence of program accountability in accordance with the English Language Acquisition, Language Enhancement, and Academic Achievement Act.
- ❖ Data useful for charting student progress over time and, for the newly arrived students; charting progress over the first year.
- ❖ Information about the language proficiency levels of individual students that can be used in making decisions from ESOL programs.
- ❖ Diagnostically useful information about students' strengths and weaknesses in English.

Annual Progress Assessment. Each student classified as an ELL and former ELLs who exited the ESOL program based on another assessment and were not tested on CELLA in the prior year's assessment is annually assessed using CELLA to determine the student's progress toward English language proficiency.³⁰

Exit Assessment. A student previously classified as an ELL is determined to be English proficient and, consequently, is no longer required to be placed in an ESOL program, if the student meets at least two of the following measures:³¹

- ❖ Scores at the English proficient level on CELLA (composite score) and scores on grade level on CELLA Reading;³²
- ❖ Scores at or above the English proficient level on a DOE-approved listening and speaking assessment or above the publisher's cut score on an aural and oral assessment;³³
- ❖ Scores at or above the 33rd national percentile on the reading and writing or language usage parts of a nationally norm-referenced test;³⁴
- ❖ Scores at achievement level 3 or above on FCAT Reading;³⁵ or
- ❖ Scores at achievement level 3 or above on FCAT Writing+.³⁶

²⁸ Rule 6A-6.0902(2)(a)4., F.A.C.

²⁹ Florida Department of Education, Bureau of Student Achievement through Language Acquisition, *Florida – Comprehensive English Language Learning Assessment (CELLA)*, <http://www.fldoe.org/aala/cELLa.asp> (last visited Aug. 31, 2010).

³⁰ Rule 6A-6.0902(4)(a), F.A.C.

³¹ Rule 6A-6.0903(2)(a), F.A.C.

³² Rule 6A-6.0903(2)(a)1., F.A.C. (flush-left provisions at end of subparagraph).

³³ Rule 6A-6.0903(2)(a)2., F.A.C. For a student in grades 3 through 12, if the first measure is a listening and speaking assessment, the second measure must be a reading and writing assessment. *Id.*

³⁴ Rule 6A-6.0903(2)(a)3., F.A.C. If the first measure is a reading and writing assessment, the second measure must be a listening and speaking or aural and oral assessment. *Id.*

³⁵ Rule 6A-6.0903(2)(a)4., F.A.C. If the first measure is FCAT Reading, the second measure must be a listening and speaking or aural and oral assessment and a writing assessment. *Id.*; see also rule 6A-1.09422, F.A.C.

³⁶ Rule 6A-6.0903(2)(a)5., F.A.C. If the first measure is FCAT Writing+, the second measure must be a listening and speaking or aural and oral assessment and a reading assessment. *Id.*; see also rule 6A-1.09422, F.A.C. The rule has not been amended to reflect the statutory change from "Writing +" to "Writing." See generally ss. 1008.22 and 1008.25, F.S.

A school district may, however, propose alternative exit standards, subject to approval by DOE before implementation.³⁷ In addition, upon the request of a student's teacher, counselor, administrator, or parent, an ELL may be reassessed.³⁸ The student classified as an ELL may exit an ESOL program if an ELL Committee, after considering the student's assessment results and two of the other five criteria determines that another instructional program or combination of instructional programs better meets the needs of the student.³⁹

Are ELLs required to take statewide assessments?

Yes. Participation in statewide assessments⁴⁰ is mandatory for all students attending public school, except as otherwise determined by the Commissioner of Education.⁴¹ However, the State Board of Education must adopt rules providing test accommodations for ELLs.⁴² Under those rules, ELLs are provided the following accommodations:

- ❖ Additional time to complete each section of the test and the entire test may be administered over one or more days.
- ❖ Access to English-to-heritage language or heritage language-to-English dictionaries.
- ❖ The opportunity to be tested in a separate room with an ESOL or home/native language teacher serving as test administrator.⁴³

For mathematics assessments, an ESOL or heritage language teacher may answer questions related to the test directions or a specific word or phrase. For reading and writing assessments, an ESOL or heritage language teacher may answer questions related to the test directions.⁴⁴

ELLs who have been enrolled in school in the United States for less than 12 months may be exempted from the statewide assessment in reading and instead must take the annual CELLA. Remedial programming must be provided to those students who do not meet the performance standards of the statewide assessment program.⁴⁵

³⁷ Rule 6A-6.0903(2)(b), F.A.C.; *see also* rule 6A-6.0905, F.A.C.

³⁸ Rule 6A-6.0903(2)(c), F.A.C.

³⁹ *Id.*

⁴⁰ In 2010, the Legislature significantly revised the requirements of the statewide assessment program, replacing grades 9 and 10 FCAT Mathematics and grade 11 FCAT Science with end-of-course (EOC) assessments in Algebra I, Geometry, and Biology I. Section 8, ch. 2010-22, L.O.F. Beginning with students entering grade 9 in the 2011-12 academic year, a student must pass the EOC assessment in Algebra I in order to earn course credit, which is required for high school graduation. Beginning with students entering grade 9 in the 2012-13 academic year, a student must pass the EOC assessments in Geometry and Biology I in order to earn credit in those courses, which are also required for graduation. Section 1008.22(3)(c)2.a.(I) and (II), F.S., *as amended by* s. 8, ch. 2010-22, L.O.F. (CS/CS/SB 4).

⁴¹ Section 1008.22(3)(c)6., F.S.; *see also* Statewide Assessments Program Accommodations and Alternate Assessments Fact Sheet.

⁴² *Id.*

⁴³ Rule 6A-6.09091(3)(a)-(c), F.A.C.

⁴⁴ Rule 6A-6.09091(3)(d)-(f), F.A.C.

⁴⁵ Rule 6A-6.0909(1) and (2), F.A.C.

What are the training and certification requirements for teachers of ELLs and other school personnel?

Florida House of Representatives

Full Appropriations Council on Education & Economic Development

(850) 488-6204

<http://www.myfloridahouse.gov>

Florida House of Representatives

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>